

REMARKS

Claims 1-22 are pending in this application. Claims 1, 13-16, and 19-20 are amended. Claims 21 and 22 are new. Claims 1, 16, and 19 are the independent claims. Favorable reconsideration of this application, in light of the preceding amendments and following remarks, is respectfully requested.

Statement Under 37 C.F.R. §1.133(b)

In response to the telephonic interview conducted July 8, 2009, Applicants wish to thank the Examiner for the courtesies extended during the interview. Applicants submit the following discussion to provide a complete record of the issues discussed during the Examiner Interview.

Applicants and the Examiner discussed the feature, "recording at least a portion of the client contact with the client as an audio file," of claim 1. Applicants argued that U.S. Patent No. 6,466,258 to Mogenis et al. ("Mogenis") does not teach said feature because sensors (22, 24, 26) in Mogenis do not record a client contact (i.e., an actual telephone call) that initiates the sensors. (Mogenis col. 3, lns. 54-67.) In contrast claim 1 requires, "recording at least a portion of the client contact with the client as an audio file."

The Examiner maintained that Mogenis teaches this feature. According to the Examiner, the recording step had been minimally amended in the previous amendment, and rejection of the main portion of the recording step had been upheld by the BPAI.

Applicants and the Examiner also discussed possible amendments to the abovementioned feature that would allow claim 1 to overcome Mogenis. Applicants

and the Examiner discussed: (i) further defining, "client contact," and/or (ii) specifying specific criterion for selectively performing the "recording" step.

In view of the above-discussed interview: (i) independent claims 1, 16, and 19 have been amended to further distinguish over the cited art; and (ii) dependent claims 21 and 22 have been added. No other pertinent matters were discussed.

Rejections under 35 U.S.C. § 101

Claims 19-20 stand rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter. Applicants respectfully traverse this rejection for the reasons detailed below.

Claim 19 is currently amended to recite "a database system." Accordingly, claim 19 covers statutory subject matter. Dependent claim 20 is amended correspondingly and also covers statutory subject matter. Therefore, Applicants respectfully requests that this grounds of rejection of these claims under 35 U.S.C. § 101 be withdrawn.

Rejections under 35 U.S.C. § 103 – Mogenis in view of Maes and AAPA

Claims 1-2, 13-17, and 19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Mogenis in view of U.S. Patent No. 6,016,476 to Maes et al. ("Maes") and Applicant Admitted Prior Art (AAPA). Applicants respectfully traverse this rejection for the reasons detailed below.

Amended claim 1 requires, "recording, through the communication link, an audio interaction by the client in the communication in an audio file." At least this feature is not taught or suggested by Mogenis, Maes, AAPA, and/or a combination thereof (assuming they can be properly combined, which Applicants do not admit).

Mogenis discloses a 911 real time emergency response system. The system is initiated upon receipt of a "declaration of an emergency," which is generated by a telephone warning from a client. (Mogenis col. 3, lns. 54-67.) Sensors (22, 24, 26) in the system allow a security center (14) to record audio and video at the customer premises (12). (Id. at col. 4, lns. 47-65.) However, sensors (22, 24, 26) in Mogenis do not record, through the telephone line, the audio interaction by the client during the actual emergency telephone call that initiates the sensors. (Id. at col. 3, lns. 54-67.) The sensors only record the customer premises (e.g., house.).

Mogenis does not teach the abovementioned feature of amended claim 1 for at least two reasons. First, Mogenis discloses recording activity at the customer premises (12) of a client during an emergency in an audio file. In contrast, claim 1 requires, "recording [...] an audio interaction by the client in the communication in an audio file." Second, Mogenis discloses recording through sensors (22, 24, 26). In contrast, claim 1 requires, "recording, through the communication link." For at least this reason, Mogenis does not teach the abovementioned feature.

Also, Maes and the AAPA do not teach or suggest the above discussed deficiency of Mogenis. Maes discloses a system for allowing a user to access financial records via a telephone line. (Maes col. 8, lns. 12-27.) However, the interaction in Maes is not recorded, as required by amended claim 1. On the other hand, the AAPA discloses recording a conversation with a client. However, the AAPA does not state that the conversation is, "through a communication link," as required by amended claim 1. Accordingly, Mogenis in view of Maes and the AAPA fails to render claim 1 obvious.

Applicants further submit that dependent claims 2 and 13-15 are allowable at least by virtue of their dependency from claim 1. Independent claim 16 (and its dependent claim 17) and independent claim 19 are allowable for at least reasons

somewhat similar to those set forth above with regard to claim 1. Therefore, Applicants respectfully requests that this art grounds of rejection of these claims under 35 U.S.C. § 103 be withdrawn.

**Rejections under 35 U.S.C. § 103 - Mogenis in view of Maes and AAPA,
further in view of various combinations**

The remaining claims are rejected under 35 U.S.C. § 103 as being unpatentable over Mogenis in view of Maes and the AAPA, further in view of various combinations of: U.S. Patent No. 5,974,004 to Dockes et al. ("Dockes"); U.S. Patent No. 6,226,672 to DeMartin et al. ("DeMartin"); U.S. Patent No. 6,947,292 to Kelly et al. ("Kelly"); and U.S. Patent No. 5,491,481 to Akagiri ("Akagiri"). These rejections are respectfully traversed in that even assuming *arguendo* that Dockes, DeMartin, Kelly, and Akagiri could be combined with Mogenis, Maes, and/or the AAPA (which Applicants do not admit), Dockes, DeMartin, Kelly, and Akagiri suffer from the same deficiencies as Mogenis, Maes, and/or the AAPA with respect to claims 1, 16, and 19. For at least these reasons, the rejection of the remaining claims over Mogenis, Maes, the AAPA, Dockes, DeMartin, Kelly, and/or Akagiri should be withdrawn.

New Claims

Applicants include in the present amendment new dependent claims 21 and 22. Claims 21 and 22 do not introduce any new matter. Applicants further submit that dependent claims 21 and 22 are allowable at least by virtue of their dependency from claim 1. Therefore, Applicants submit that that the art grounds of rejection of claims 1-20 under 35 U.S.C. § 103 do not apply to claims 21 and 22.

CONCLUSION

Accordingly, in view of the above amendments and remarks, reconsideration of the objections and rejections and allowance of each of the pending claims in connection with the present application is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. §1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

By



Gary D. Yacura, Reg. No. 35,416

Ryan E. Alley, Reg. No. 60,977

P.O. Box 8910
Reston, Virginia 20195
(703) 668-8000

GDY/REA/JJH/ame

